

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**Dec 04, 2024**

SEAN F. McAVOY, CLERK

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Lazaro Tomas Pesina

Case Number: 0980 2:14CR00124-TOR-5

Address of Offender: [REDACTED] Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: June 1, 2016

Original Offense: Interstate Transportation in Aid of Racketeering, 18 U.S.C. § 1952(a)(2)

Original Sentence: Prison - 144 months  
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Brian M. Donovan

Date Supervision Commenced: February 1, 2024

Defense Attorney: John C. Perry

Date Supervision Expires: January 31, 2029

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**PETITIONING THE COURT**

To issue a summons.

On February 1, 2024, the offender's conditions of supervised release were reviewed by the probation officer and he signed said conditions acknowledging he understood his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b><u>Special Condition #15:</u></b> Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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**Supporting Evidence:** The offender is alleged to have violated special condition number 15 by failing to submit to urinalysis testing at Pioneer Human Services (PHS) on November 7, 2024.

On November 7, 2024, the probation officer contacted Mr. Pesina and instructed him to report to PHS on that same date for urinalysis testing.

On November 8, 2024, email correspondence was received from PHS indicating the offender failed to report to their facility for urinalysis testing on November 7, 2024.

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- 2        **Special Condition #15:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 15 by ingesting controlled substances, methamphetamine and amphetamine, on or about November 8, 2024.

On November 8, 2024, Mr. Pesina provided a urine specimen at the U.S. Probation Office that returned presumptive positive for methamphetamine and amphetamine. On that same date, he signed an admission form acknowledging use of said substances. It should be noted, the above-referenced urine specimen was dilute.

- 3        **Special Condition #15:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 15 by failing to submit to urinalysis testing at PHS on November 15, 2024.

On November 18, 2024, email correspondence was received from PHS indicating the offender failed to report for urinalysis testing on November 15, 2024.

- 4        **Special Condition #15:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 15 by ingesting controlled substances, methamphetamine and amphetamine, on or about November 18, 2024.

On November 18, 2024, the offender submitted a urine specimen at the U.S. Probation Office that returned presumptive positive for methamphetamine and amphetamine. At that time, he signed a denial form indicating he had not used said substances.

The above-referenced urine sample was thereafter sent to the national laboratory for further testing and it was confirmed positive for methamphetamine and amphetamine. It should be noted, the above-referenced urine specimen was dilute.

- 5        **Special Condition #15:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 15 by ingesting controlled substances, methamphetamine, amphetamine, and methylenedioxy-methamphetamine (MDMA), on or about November 28, 2024.

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On December 2, 2024, Mr. Pesina reported to PHS for his scheduled substance abuse assessment. At that time, he submitted a urine specimen that returned presumptive positive for methamphetamine, amphetamine, and MDMA. On that same date, he signed an admission form acknowledging use of said substances on or about November 28, 2024.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 4, 2024

s/Lori Cross

Lori Cross  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice  
United States District Judge

December 4, 2024

Date